IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

MONDAY, THE 25TH JUNE 2007 / 4TH ASHADHA 1929

WP(C).No. 19424 of 2007(K)

AGAINST THE ORDER IN EP 257/06 IN
OS.189/1996 of ADDL.MUNSIFF COURT, ALAPPUZHA

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PETITIONER:

BIJU, S/O SAVITHRY, AGED 34 YEARS,
HOUSE NO.77, COLONY HOUSE, PURAKKAD VILLAGE,
THOTTAPPALLY, ALAPPUZHA.

BY ADV. SRI.VISHNU.R

RESPONDENTS:

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1. BHASKARAN, S/O PAPPAN, AGED 60 YEARS,
NALUTHENIL KIZHAKKATHIL, PURAKKAD VILLAGE,
THOTAPPALLY, ALAPPUZHA.

2. SUBHASH CHANDRAN, S/O BHASKARAN,
AGED 30 YEARS, RESIDING AT NALUTHENGIL
KIZHAKKETHIL, PURAKKAD VILLAGE, THOTTAPPALLY,
ALAPPUZHA.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 25/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.N.KRISHNAN, J.

WP(C)No. 19424 OF 2007 K

Dated this the 25th June, 2007.

JUDGMENT

This writ petition is filed seeking to quash the order in E.P.257/06 in O.S.189/96. There is a decree passed by the court whereby the decree holder is entitled to have his boundary wall constructed along with the BJ line in Ext.C1 (a) plan. Now there cannot be a finding to the effect that the surveyor has to fix the BJ line and thereafter the commissioner to do the work. The court can only direct the surveyor or the commissioner to find out the BJ line in Ext.C1(a) plan and permit the decree holder to construct the wall along the BJ line. Since the other side has not appeared before this Court, I direct the learned Munsiff to pass an order in the light of the observations, after hearing the other side. Writ petition is disposed of accordingly.

M.N.KRISHNAN
Judge

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